



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 PEARL STREET, SUITE 20-100
NEW YORK, NY 10004-2616

March 31, 2025

VIA ECF

The Honorable Steven L. Tiscione
United States Magistrate Judge
United States District Court for the Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Securities and Exchange Commission v. Justin D. Smith, et al.*, 2:24-cv-6004(NCM) (ST)

Dear Judge Tiscione:

Pursuant to Sections I.A and III.A of the Court's Individual Practice Rules, Plaintiff Securities and Exchange Commission ("SEC") respectfully requests that the Court restore this matter to its active docket and set a 45-day deadline for a status report on the parties' ongoing settlement discussions concerning monetary relief. Defendants Justin D. Smith ("Smith") and Joshua Constantin ("Constantin") consent to this request.

As background, the Court entered a partial consent judgment against Constantin on September 6, 2024 (Dkt. No. 10), and against Smith on December 27, 2024 (Dkt. No. 20). Subsequently, this matter was administratively closed as of December 27, 2024.

The partial consent judgments against Constantin and Smith implement the terms of bifurcated settlements that resolve liability and certain of the remedies sought in the SEC's Complaint but expressly leave open for later resolution (upon motion) the amounts, if any, of disgorgement and civil penalties. (*See* Dkt No. 10, § XI; Dkt No. 20, § XII.) In connection with such a motion, the partial judgments also permit the parties to take discovery, including discovery from appropriate non-parties. *Id.*

The parties have been engaged in ongoing settlement discussions on the pending monetary relief and are conducting limited informal discovery regarding the same, including producing relevant bank and credit card records. Accordingly, the SEC respectfully requests that the Court restore this matter to the active docket and set a 45-day deadline for the parties to file a status report on their settlement negotiations.

Respectfully submitted,

/s/ Sushila Rao

Sushila Rao Pentapati
Trial Counsel

cc: All parties (by ECF)